

08-28-'03 16:34 FROM-Lerner & Greenberg

+9549251101

T-657 P01/03 1-193

OFFICIAL

LERNER AND GREENBERG, P.A.

PATENT ATTORNEYS AND ATTORNEYS AT LAW

2445 Hollywood Boulevard  
Hollywood, Florida 33020  
Tel: (954) 925-1100  
Fax: (954) 925-1101

Laurence A. Greenberg (FL Bar)  
Werner H. Steiner (FL Bar)  
Ralph E. Locher (FL, IL, MO Bars)  
Gregory L. Mayback (FL Bar)

Manfred Beck (US & German Pat. Agent)  
Mark P. Weichselbaum (TN Bar)  
Markus Nolff (FL Bar)  
Loren Donald Pearson (FL Bar)  
Otto S. Kauder (Reg. Pat. Agent)  
Denise A. Lettau (DC Bar)  
Yonghong Chen (Chinese Pat. Agent)  
F. Donald Paris (NY, NJ, DC Bars)  
Alfred K. Dassler (Reg. Pat. Agent)  
Kyle H. Flindt (UT Bar)

PATENTUSA®  
www.patentusa.com  
patents@patentusa.com

Mailing Address:  
Post Office Box 2480  
Hollywood, FL 33022-2480

New York Satellite Office  
153 E 57th St., Suite 15G  
New York, NY 10022

Of Counsel:  
Herbert L. Lerner (NY Bar)

FAX RECEIVED

AUG 29 2003

GROUP 2600

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Michael E. Robustelli	Loren Donald Pearson
ART UNIT:	DATE:
2697	8/28/2003
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703)872-9314	9
PHONE NUMBER:	ATTORNEY DOCKET NUMBER:
(703)305-8326	GR 98 P 5938
SERIAL NO.:	FILING DATE:
09/441,535	November 16, 1999

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

CONFIDENTIAL TO ADDRESSEE

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703)872-9314)

By: Loren D. Pearson

Date: 8/28/03

08-28-'03 16:34 FROM-Lerner & Greenberg

+9549251101

T-657 P02/09 U-193

16  
56  
9/4/03

GR 98 P 5938

BOX AF

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703)872-9314)

By: Laura D. Lerner

Date: 8/28/03

**OFFICIAL**

**FAX RECEIVED**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 29 2003

Applicants : Karl Klaghofer et al.

**GROUP 2600**

Appl. No. : 09/441,535

Filed : November 16, 1999

Title : Multimedia Terminal for Telephony Allowing Multipoint Connections

Examiner : Michael E. Robustelli

Group Art Unit : 2697

RESPONSE under 37 C.F.R. § 1.116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S i r :

The following remarks respond to the final Office action dated May 28, 2003:

Reconsideration of the application is requested. Claims 1-4 remain in the application.

08-28-'03 16:35 FROM-Lerner & Greenberg

+9549251101

T-657 P03/09 U-193

GR98P5938

In item 2 of the Office action, the Examiner renewed his rejection claims 1 and 3 as being fully anticipated by Kumar (U.S. 6,163,531) under 35 U.S.C. § 102(e). As will be explained below, the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, a brief review of the invention as claimed is provided. Claim 1 calls for, *inter alia*, a multimedia terminal having the following features:

a controller for processing signaling information for a point-to-multipoint connection between the multimedia terminal and a plurality of terminals; and

a mixer, connected to said controller, for mixing datastreams originating at the multimedia terminal and at the plurality of terminals and for providing datastream mixtures to the plurality of terminals.  
(Emphasis added by Applicants.)

In the previous response to the Office action, applicants distinguished the prior art by emphasizing that applicant's invention is an "end device" whereas the prior art was a "central multipoint controller".

In the Response to Arguments section of the instant office action, the Examiner responded that neither claim 1 nor claim

explicitly included the limitation that the multimedia terminal was an end point.

The Examiner failed to appreciate the full impact of the word "terminal". Webster's dictionary gives the following definitions for "terminal":

1 : a part that forms the end : EXTREMITY,  
TERMINATION

2 : a terminating usually ornamental detail : FINIAL

3 : a device attached to the end of a wire or cable  
or to an electrical apparatus for convenience in  
making connections

4 a : either end of a carrier line having facilities  
for the handling of freight and passengers b : a  
freight or passenger station that is central to a  
considerable area or serves as a junction at any  
point with other lines c : a town or city at the end  
of a carrier line : TERMINUS

5 : a combination of a keyboard and output device  
(as a video display unit) by which data can be  
entered into or output from a computer or electronic  
communications system

In light of the definition, the meaning of the word "terminal" implies that the terminal is an end point so no other meaning other than the plain and simple meaning is required.

In light of the significance of the meaning of the term "terminal" the original arguments are repeated in the following paragraphs.

The object of the instant application is to provide a multimedia end device for the realization of H.323 multipoint connections. According to the invention, the multimedia end device includes a controller for signal processing for point-to-multipoint connections as well as a mixer for mixing the data streams sent from the conference participants (including the multimedia end device itself) and for distributing data stream mixtures to the conference participants.

In contrast, in common H.323 conference systems, a central conference control device (MCU: multipoint control unit) controls the conference signals and mixes and distributes the data streams of the conference participants. The central conference control device should not be confused with an end device.

Thus, an essential advantage of the invention thus is that no such central MCU is necessary. Furthermore, the integration of the signal processing and mixing functionality in an end device according to the invention allows for a more flexible conference set-up from this end device. Connections to several end devices, for example, can be set-up parallel from the end device according to the invention. Furthermore, due to its mixing function, the end device according to the invention also integrates the use of non-multipoint end devices in a conference circuit.

Kumar describes a conference system that, contrary to the object of the instant application, requires a central MCU or a central multipoint controller (MC). The MCU disclosed in Kumar is thereby not to be confused with an end device. In col. 3, lines 27 to 30, of Kumar it is even explicitly defined that an MCU is a stand-alone unit that is disposed outside of an end device. Therefore, the identification of an MCU in an end device as made by the Examiner cannot be maintained. Even though an MC might be disposed in an end device (see col. 3, line 27), the MC does not contain a multipoint processor (MP) (see col. 3, lines 30 to 34) that could mix media streams (see col. 4, lines 19-21). Kumar only discloses that such an MP may be present in an MCU together with an MC; see col. 3, line 31. However, in Kumar col. 3, lines 27-30, an MCU is disclosed exclusively as a stand-alone unit disposed outside of an end device. It follows that an MP in Kumar is exclusively provided for the purpose of mixing and distributing media streams outside of the end devices.

Kumar does not teach a mixer in an end device for mixing the data streams that start from the conference participants and for distributing data stream mixtures to the conference participants. This holds true particularly for the embodiments illustrated in Figs. 2a and 2b.

In the embodiment according to Fig. 2a based on MC, the transmitting conference participants transmit the audio data streams via multicasting to the other conference participants (see col. 3, line 66, to col. 4, line 8). Due to the multicasting, it is not necessary to mix the data streams of the conference participants and to distribute the mixed data streams to the conference participants. Even though a mixing of data streams in the received end devices does take place in order to output the mixing result to the respective user (col. 4, lines 10 to 14), but the data stream starting from the respective end device itself is not mixed thereto and the data stream mixtures are not transmitted to the other end devices. Due to the fact that, in this embodiment, a distribution of mixed data streams is not necessary, a mixer for mixing the data streams starting from the conference participants and for distributing data stream mixtures to the conference participants cannot be suggested by this MC-based embodiment variant.

In the MCU-based embodiment variant according to Fig. 2b, the media streams starting from the conference participants are transmitted to an MP, which is disposed in the MCU, and the MP centrally mixes the media data streams. Col. 4, lines 18 to 21 in combination with Fig. 2b show that the mixing and distribution of data streams takes place in the MP and thus outside of the end device. An integration of an MP into an

end device is not suggested, because col. 3, lines 28 to 34, teach an MCU containing an MP as a stand-alone unit outside of the end device.

In item 5 of the Office action, the Examiner rejected claims 2 and 4 as being unpatentable over Kumar and Ahuja et al. under 35 U.S.C. § 103(a). Claims 2 and 4 ultimately depend on claims 1 and 3, respectively. The patentability of these claims depends on the arguments relating to claims 1 and 3, discussed above.

In view of the foregoing, reconsideration and allowance of claims 1-4 are solicited. In the event the Examiner should still find any of the claims to be unpatentable, please telephone counsel so that patentable language can be substituted. In particular, Applicants are interested to hear any suggestions that the Examiner might be inserted to make the features of a "terminal" more explicit.

If an extension of time for this paper is required, petition for extension is herewith made.

08-28-'03 16:36 FROM-Lerner & Greenberg

+9549251101

T-657 P09/09 U-193

GR98P5938

Please charge any other fees that might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,

Loren D Pearson

For Applicants

LOREN DONALD PEARSON  
REG. NO. 42,987

LDP:cgm

August 28, 2003

Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101

**OFFICIAL**

**FAX RECEIVED**

AUG 29 2003

**GROUP 2600**